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NOTICE

The undermentioned *Gazettes of India Extraordinary* were published up to the 20th June 1964 :—

Issue No.	No. and Date	Issued by	Subject
78	No. F25(16)-Ns/64, dt. 10th June, 1964.	Min. of Finance.	Result of the Sixteenth Quarterly Draw for Prizes for the Five year Interest Free Prize Bonds, 1965, held on 1st June 1964.
79	No. 49-ITC(PN)/64, dt. 20th June, 1964.	Min. of Commerce.	Import of Dates from Saudi Arabia, Muscat and other Persian Gulf Ports, excluding Iraq and Iran during April—September 1964 by sailing Vessels.
	No. 50-ITC(PN)/64, dated 20th June 1964.	Do.	Import policy for boiler Tubes in full length or Cut to Shape and size, and Steel/Wrought Iron Pressure Pipes and Tubes excluding Stainless Steel Tubes for April, 1964/March, 1965.
	No. 51-ITC(PN)/64, dated 20th June, 1964.	Do.	Doubling of concessions allowed in terms of provisions in remarks against various S. Nos. for annual licences for April 1964—March 1965.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

CONTENTS

PAGES	PAGES
PART I—SECTION 1.—Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court	PART II—SECTION 3.—SUB-SECTION (II).—Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories) ..
227	2677
PART I—SECTION 2.—Notifications regarding Appointments, Promotions, Leave, etc., of Government Officers issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court	PART II—SECTION 4.—Statutory Rules and Orders notified by the Ministry of Defence ..
307	343
PART I—SECTION 3.—Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions, issued by the Ministry of Defence	PART III—SECTION 1.—Notifications issued by the Auditor General, Union Public Service Commission, Railway Administration, High Courts and the Attached and Sub-ordinate Offices of the Government of India
31	369
PART I—SECTION 4.—Notifications regarding Appointments, Promotions, Leave, etc., of Officers issued by the Ministry of Defence	PART III—SECTION 2.—Notifications and Notices issued by the Patent Office, Calcutta ..
251	263
PART II—SECTION 1.—Acts, Ordinances and Regulations	PART III—SECTION 3.—Notifications issued by or under the authority of Chief Commissioners
Nil	37
PART II—SECTION 2.—Bills and Reports of Select Committees on Bills	PART III—SECTION 4.—Miscellaneous Notifications including Notifications, Orders, Advertisements and Notices issued by Statutory Bodies
Nil	237
PART II—SECTION 3.—SUB-SECTION (i).—General Statutory Rules (including orders, bye-laws, etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories) ..	PART IV—Advertisements and Notices by Private Individuals and Private Bodies
955	137
	SUPPLEMENT No. 27—
	Weekly Epidemiological Reports for week-ending 27th June 1964
	821
	Births and Deaths from Principal diseases in towns with a population of 30,000 and over in India during week-ending 6th June 1964
	831

PART I—SECTION 1

Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court

MINISTRY OF FINANCE**Department of Revenue & Company Law****RESOLUTION***New Delhi, the 20th June 1964*

No. 8/8/64-TPL.—The Direct Taxes Advisory Committee at New Delhi, as constituted under the Ministry of Finance (Department of Revenue) Resolution No. 4(66)61/TPL dated the 1st August, 1961 is reconstituted as under :

- (1) *Chairman*—Minister of Finance.
- (2) Four Members of Parliament.
- (3) Two *ex-officio* members—
 - (i) President of the Federation of Indian Chambers of Commerce and Industry;
 - (ii) President of the Associated Chambers of Commerce of India.
- (4) Six other non-official members.
- (5) Three official members—
 - (i) Secretary, Ministry of Finance, (Department of Revenue and Company Law).
 - (ii) Chairman, Central Board of Direct Taxes.
 - (iii) Member (Inspection and Estate Duty), Central Board of Direct Taxes.

One of the Secretaries of the Central Board of Direct Taxes will act as Secretary of the Committee.

ORDER

ORDERED that the Resolution be published in the Gazette of India for general information.

JAMUNAA PRASAD SINGH, Jt Secy.

DEPARTMENT OF ATOMIC ENERGY*Bombay-1, the 23rd June 1964*

No. 12/3/61-ER.—The Government of India have decided to extend the term of the Indian National Committee for Mathematics, as reconstituted in Notification No. 12/3/61-ER dated March 19, 1962, for a period of two years from March 19, 1964. The Government have also decided to expand the Committee by the inclusion of one more member, which will now consist of :—

Chairman

1. Professor K. Chandrasekharan, Professor of Mathematics & Deputy Director (Mathematics) Tata Institute of Fundamental Research, Bombay.

Members

2. Professor Ram Behari, University of Delhi, Delhi.
3. Professor N. L. Ghosh, Professor and Head of the Department of Mathematics, Presidency College, Calcutta.
4. Professor S. Minakshisundaram, Andhra University, Waltair.
5. Professor C. Racine, Loyola College, Madras.
6. Professor M. S. Narasimhan, School of Mathematics, Tata Institute of Fundamental Research, Bombay.

Member-Secretary

7. Dr. K. Balagangadharan, School of Mathematics, Tata Institute of Fundamental Research, Bombay.

S. V. RAGHAVAN, Under Secy.

MINISTRY OF COMMERCE*New Delhi, the 26th June 1964*

No. F. 29(1)-Plant(B)/62.—It is hereby notified that the Chairman and Members of the Cardamom Development and Marketing Advisory Committee, nominated in the Notifications of the late Ministry of Commerce and Industry No. 29(1)-Plant(B)/62, dated the 2nd February 1963 and 5th June 1963, and the Notifications of the Government of India in the late Ministry of International Trade No. 29(1)Plant(B)/62 dated the 12th September 1963, and 28th March 1964, will,

continue to hold office for a further period until the 31st December 1964, with the following changes :—

1. Shri I. P. Rajasekhar, Planter, Igoor, Yeslur Hobli, Saklespur, Mysore State, has been appointed a member of the Committee *vice* Shri H. S. Halappa.
2. Shri D. Balagopalan, Chief Coffee Marketing Officer, Coffee Board, Bangalore-1 has been appointed a member of the Committee *vice* Shri G. S. Srinivasan.
3. Shri K. K. Ramankutty, Secretary to Government and Commissioner, Agricultural Production and Rural Development, Government of Kerala, Trivandrum, has been appointed a member of the Committee *vice* Shri K. C. Sankaranarayanan.

B. KRISHNAMURTHY, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 17th June 1964*

SUBJECT—*Constitution of a Committee on Price Fixation.*

No. F. 12-69/63-D.—Consequent to the formation of the Ministry of Petroleum and Chemicals the aspect of the price fixation has become the subject of that Ministry. Accordingly the President has decided that the entry at Serial No. 5 in the Government of India, Ministry of Health Resolution No. P.12-69/63-D dated the 3rd September 1963, may be deleted and the following entry substituted therefor :—

"5. Shri P. S. V. Raghavan,
Under Secretary,
Government of India,
Ministry of Petroleum and Chemicals,
New Delhi.

BASHESHAR NATH, Under Secy.

MINISTRY OF EDUCATION*New Delhi, the 20th June 1964***CENTRAL ADVISORY BOARD OF EDUCATION**

No. F. 1-17/63-SE.1.—Against an additional seat allotted to the Lok Sabha, Shri Radhelal Vyas, Member of Parliament, Lok Sabha, has been elected by the Lok Sabha as its representative to serve on the Central Advisory Board of Education for a period of three years ending 31st March, 1967.

N. T. KARNANI, Asstt. Educational, Adviser.

New Delhi, the 23rd June, 1964

No. 15-25/64-S.II.—In continuation of the late Ministry of Scientific Research and Cultural Affairs Notification No. F. 15-226/60-S.II dated the 28th June, 1961, Shri Gopikrishna Vijalvargiya, Member, Rajya Sabha has been appointed to be a member of the Advisory Board for National Atlas and Geographical Names *vice* Pandit Sham Sunder Narain Tankha.

M. M. JAIN, Under Secy.

MINISTRY OF TRANSPORT**(Transport Wing)****PORTS****RESOLUTION***New Delhi, the 24th June 1964*

No. 2-PG(82)/63.—The Government of India have received the Administration Report of the Port of Kandla for the year 1962-63. The salient features of the Report are reviewed below :—

(1) FINANCIAL RESULTS :

(a) *Port Fund* : The Revenue receipts of the Port (excluding the Pilotage Account) during the year were Rs. 110.70 lakhs as compared with Rs. 83.09 lakhs during 1961-62. The rise in income was mainly due to increase in the trade handled at the port. During 1962-63, the total trade handled at the port was 17.43 lakhs tonnes as against 13.87 lakhs tonnes handled in 1961-62.

The expenditure (excluding that charged to the Pilotage Account and contribution to the Depreciation Fund) during the year under review was Rs. 63.35 lakhs as against Rs. 50.23 lakhs in 1961-62. The percentage of working

expenses (excluding debt charges and special expenditure) to income under the General Account was 57 as against 60 in the previous year. Contributions were made as usual to the Depreciation Fund, the amount transferred during 1962-63 being Rs. 8.36 lakhs. An amount of Rs. 15 lakhs was also paid towards part payment of interest charges accrued on the cost of assets transferred from the capital side to the Revenue side.

(b) *Pilotage Account*: The gross income and expenditure during 1962-63 was Rs. 2.14 lakhs and Rs. 3.13 lakhs (excluding a contribution of Rs. 8,000 to the Depreciation Fund in the Pilotage Account), respectively, resulting in a deficit of 0.99 lakhs during the year. There was a deficit of 1.10 lakhs in 1961-62, the gross income and expenditure for that year being Rs. 1.12 lakhs and Rs. 2.22 lakhs respectively.

(c) *Debt*: The outstanding debt of the Port at the close of the financial year 1962-63 was Rs. 12.61 crores due to the Government of India on account of assets transferred to the Port of Kandla and assets taken over from the former Government of Kutch.

(2) *TRAFFIC*:

(a) *Trade*: The traffic which passed through the Port of Kandla in 1962-63 as compared with that in 1961-62 is indicated in the table below:—

Year	Imports	Exports	Total Traffic
	Metric Tonnes in lakhs		
1961-62	11.14	2.73	13.87
1962-63	14.09	3.34	17.43

The imports during the year under report registered an increase of 2.95 lakhs metric tonnes or about 21% of the imports of the previous year, mainly due to increased imports of foodgrains, iron and steel, P.O.L. and other miscellaneous items. The exports in 1962-63 also registered an increase of 0.61 lakhs metric tonnes as compared with the exports in 1961-62, mainly due to increased traffic in cotton, ores, salt, sugar and mineral oils.

(b) *Shipping*: Excluding sailing vessels, 311 vessels with a gross tonnage of 25.25 lakhs entered the port during 1962-63, as against 230 vessels with a gross tonnage of 17.30 lakhs in 1961-62.

S/s Alkor of 15805.00 tons gross 183.81 metres length and 9.50 metres for'd and 9.60 metres aft, draft was the biggest, longest and deepest vessel that entered the Port during the year 1962-63.

(3) *Labour*: The labour situation at the Port continued to be satisfactory during 1962-63.

(4) *Capital Works*: During 1962-63 the construction of the fifth berth except for dredging was completed and the construction of the fishing jetty was in progress. The activities of the soil and water testing laboratory and photographic sections were continued. On the soil testing side, bore holes over the site of construction of 327 quarters were taken to determine the pile length. Water Samples of different places for prospective underground sources of water supply for the township were tested in addition to test samples of the regular water supply.

(5) *Amenities to staff*: The Port Organisation continued to provide their staff with various amenities such as housing, free educational facilities up to the seventh standard, clubs, canteens, general medical attendance, etc.

(6) The work of development of the port town of Gandhidham showed reasonable progress.

ORDER

ORDERED that a copy of this Resolution be communicated to all concerned and also published in the Gazette of India.

NAGENDRA SINGH, Additional Secy.

RESOLUTION

New Delhi, the 25th June 1964

No. 8-TM(3)/64.—In the Government of India (late Ministry of Transport & Communications, Department of Transport), Resolution No. 3-TPLL-II(7)/62 dated 31st July 1962, the existing part III of the Resolution will be further amended to read as follows:—

Against S. No. (5):

The words "Ministry of Works & Housing" shall be added after the existing words "Ministry of Railways".

ORDER

ORDERED that a copy of the Resolution be communicated to all concerned and that it be published in the Gazette of India for general information.

S. N. CHIB, Director General of Tourism & Ex-officio,
Jt. Secy.

MINISTRY OF IRRIGATION AND POWER

RESOLUTION

New Delhi, the 15th June 1964

No. 1(6)/62-Policy.—In pursuance of the recommendation made at the 6th Irrigation and Power Seminar held at Hyderabad in July, 1959, a Committee was set up to go into the question of apportionment of cost and allotment of reservoir storage space for hydel, irrigation, navigation and flood control schemes in multipurpose projects in greater details and to suggest a satisfactory procedure for allotment of cost, etc. The report of the Committee was discussed and accepted in the 7th Irrigation and Power Seminar held at Bangalore in September, 1960. In the 8th Irrigation and Power Seminar held at Ootacamund in September, 1962, this question again came up for discussion and it was recommended that the difficulties experienced in the application of the previous decisions might be referred to a Committee for opinion. The Government of India have, therefore, decided to set up a Committee to go into this question, with the following members:—

Chairman

1. Shri M. R. Chopra, Chairman, CW&PC.

Members

2. Shri Yadava Mohan, Chairman, Rajasthan Canal Project, Jaipur.
3. Shri K. P. S. Nair, Member, CW&PC.
4. Shri A. R. Venkataraman, Member, CW&PC.
5. Shri B. S. Nag, Adviser, Planning Commission.
6. Shri N. G. K. Murthy, Chief Engineer and Joint Secretary to the Government of Maharashtra, I & P, Department, Sachivalaya, Bombay.
7. Shri G. G. Dhanak, Chief Engineer and Joint Secretary to the Government of Gujarat, Public Works Department, Ahmedabad.

Member-Secretary

8. Shri B. Sen, Director, CW&PC.

2. The terms of reference to the Committee will be:—

"Apportionment of cost and allotment of reservoir space in the light of the difficulties experienced by the various States."

3. The Committee may invite, as and when necessary, other officers to participate in its discussions. The Committee is to submit its report to the Ministry of Irrigation and Power by the 15th of September, 1964.

4. The expenditure on T.A./D.A. etc. will be borne by the respective State Governments, so far as Sarvashri Yadava Mohan, Murthy and Dhanak are concerned.

ORDER

ORDERED that a copy of the Resolution be communicated to the Governments of Gujarat, Maharashtra and Rajasthan.

ORDERED also that the Resolution be published in the Gazette of India for general information.

M. K. KIDWAI, Jt. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 29th June 1964

No. 17/7/61/LRIV.—The following decision of the Industrial Tribunal, Bombay, in respect of matters referred to it under Section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 3380, dated the 28th November, 1963, seeking interpretation of certain provisions of the Award of the National Industrial Tribunal, Bombay, is hereby published for general information.

"BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AT BOMBAY

REFERENCE NO. CGIT 54 OF 1963.

Messrs Brooke Bond India Private Limited
and

Their Workmen

Present:

Shri Salim M. Merchant—Presiding Officer.

Appearances:

For the Workmen—Shri K. K. Mundul, General Secretary, All India Brooke Bond Employees' Federation with Shri V. R. Mehta, Treasurer, Brooke Bond Employees' Union, Bombay.

For the Employers—Shri K. L. Chatterji, Chief Legal Adviser, with Shri C. H. Shah, Assistant Administrative Adviser.

Dated at Bombay the 17th day of June 1964.

Industry : Tea Processing.

State : All India.

DECISION

The Central Government, by the Ministry of Labour & Employment's Order No. 17/7/61/LRIV dated 28th November 1963, made in exercise of the powers conferred by Section 36A of the Industrial Disputes Act, 1947 (XIV of 1947), was pleased to refer to me for decision two questions, specified in the Schedule to the said order, which is reproduced below, over which doubts and difficulties have arisen as to the interpretation of the Award of the National Industrial Tribunal at Bombay published in the Gazette of India dated 27-6-1959 :

SCHEDULE

- "(i) Whether as per para 76 of the Award of the National Industrial Tribunal, Bombay, published as S.O. 1465 dated 17th June 1959, the dearness allowance payable to Salesman should be based on the monthly rate of dearness allowance payable to a clerk or its four weekly equivalent ?
- (ii) Whether the directions given in para 165 of the said Award are applicable only to clerks, stenographers, typists and compounders or to all the employees including subordinate staff."

2. After the reference was made, notices were issued on the parties, inviting their written statements on the points in issue. The Brooke Bond India Private Limited (hereinafter called the 'Company') filed its written statement dated 10th January 1964 and the Union filed its written statement on 9th January 1964, after which the dispute was fixed for hearing on 21st May 1964 but, on the application of the employer Company, was adjourned to 5-6-1964, when I heard the detailed submissions of the parties. Before proceeding to interpret the award on the two questions under reference, it is necessary first to deal with two preliminary objections, urged by the Company in its written statement.

3. The Company has contended firstly that this reference is not maintainable because it is belated. The main argument is that this order of reference having been made on 28th November 1963, more than four years after the award of the National Industrial Tribunal of Shri F. Jeejeebhoy dated 9-6-1959 was published in the Gazette of India dated 17-6-1959, it is belated. The facts, however, are that after the National Tribunal made its award, it issued two Corrigenda under Rule 28 of the Industrial Disputes (Central Rules), 1957 dated 20th July 1959 and 17th August 1959 respectively. It is admitted that thereafter the workmen by writ application moved the High Court of Bombay and later the Hon'ble Supreme Court against the Award, but the same were not entertained. The contention of the Company is that as this reference was made after more than 4½ years, during which period the award had remained in operation, was implemented and accepted by the workmen, this reference must be held to be belated and, therefore, not maintainable.

4. I, however, find that the Federation and the several Unions representing the workmen had raised a dispute with regard to the correct interpretation of the directions contained in paragraph 76 of the Award as early as in November 1959. This is borne out by the letter dated 25th November 1959, addressed by the Regional Labour Commissioner(C), Bombay to the Union stating that the appropriate Government for the implementation of the Award was the State Government (Ex.W.1.). The Union has also filed a letter dated 16th March 1962 from the Under Secretary to the Government of Maharashtra, Industries and Labour Department, on the subject of non-implementation of this Award, which shows that with regard to issue No. 1 under reference (dearness allowance to salesman), it was stated by the Under Secretary to the Government of Maharashtra, that the right to refer the matter to a Tribunal for clarification under section 36A was that of the Government of India, Ministry of Labour and Employment and that the Union should address that Government in the matter (Ex.W.2.). Shri K. K. Mundul for the Union has stated that between 1959 to 1962, there were many letters exchanged by this Union with the State and Central Governments, because there was difference of opinion between the two Governments as to which of them should make the reference under Section 36A for clarification of the difficulties which had arisen over the interpretation of the Award, on the two points under reference. The company has, however, pointed out that the Central Government had under Section 36A, referred by Order No. 17/1/60-LRIV dated 7-9-1960 certain other points arising out of other directions contained in the said Award of the National Tribunal for interpretation to this Tribunal (Reference No. CGIT-28 of 1960). That no doubt is true. But the fact remains that in respect of this reference there was difference between the Central Government and the State Government as to which was the appropriate Government to make the reference under Section 36A in respect of these two matters. In the circumstances stated above, I am not satisfied that this reference can

be considered as not maintainable on the ground of belatedness. There is not the least doubt that doubts and difficulties had arisen as to the correct interpretation of the directions made by the learned National Industrial Tribunal in paragraphs 76 and 165 of its Award, soon after the Award was made and published. In these circumstances, to hold this reference bad for belatedness would deprive the workmen of their correct wages, without there having been any delay or laches on their part in seeking the correct interpretation of the Award, and would be unfair and inequitable. The delay was because the State and Central Governments could not decide till March 1962 as to which was the proper appropriate Government for making the reference under Section 36A in respect of these subject matters and the Company cannot in my opinion, be allowed to take advantage of that situation to the detriment of the true rights of the workmen under the Award. It is not as if the two Governments did not feel that there were doubts and difficulties as to the true interpretation of the Award; what they could not decide was whether the reference for interpretation in respect of these two subject matters should be made by the State Government or the Central Government.

5. The second legal objection urged by the Company against this reference is that the Union on 5th July 1963 having submitted a fresh Charter of Demands, it had amounted to the Union having terminated the Award of the National Industrial Tribunal; that once the Award is terminated its directions cannot be interpreted. But the company has not produced a copy of the Charter of Demands. It is, however admitted that the various Unions terminated the aforesaid award of the National Industrial Tribunal by two months statutory notice, as required by Section 19(2) of the Industrial Disputes Act, 1947 but these notices were given after this reference was made. Therefore, the admitted position is that the statutory notices under Section 19(2) for termination of the award were given after the instant reference was made under Section 36A of the Act by the Government Order of reference, on 28th November 1963. In other words on the date of this reference, the Award had not been terminated. Shri Chatterji, appearing for the Company, in support of his contention that the submission of a fresh charter of demands results in termination of the existing Award has relied upon the decision of the Hon'ble Supreme Court in the case of the Workmen of Western India Match Company and Western India Match Company (1962 1 LLJ. p. 661), where their Lordships held, on the facts and circumstances of that case, that a Charter of Demands submitted by the Union terminated an earlier settlement reached between the Union and the Company in respect of the demands forming the subject matter of an industrial dispute which had been referred to an Industrial Tribunal. The facts of that case were that an award was based on an agreement reached between the parties, which had *inter alia*, decided the question of scales of pay and rates of dearness allowance. Without giving a formal notice under Section 19(2) of the Industrial Disputes Act of their intention to terminate the settlement (and the Award), the workmen presented a Charter of Demands in respect of scales of pay and dearness allowance also. Various representations were made on behalf of the workmen in respect of the said two demands. Subsequently, under the terms of settlement, parties agreed to get the dispute relating to the scales of pay referred for adjudication. One of the terms of settlement recorded the fact that the dispute in relation to dearness allowance had already been referred to adjudication. In the circumstances, the various representations made on behalf of the workmen and the presentation of the Charter of Demands were held sufficient to terminate the settlement. Hence, absence of a formal notice under Section 19(2) of the Act terminating the settlement was held to be immaterial in view of the subsequent representation made by the workmen and the other facts stated earlier.

6. I am of the opinion that this decision cannot help the management. Here, there was no settlement between the parties which had been put an end to. Here, it was an award that required to be terminated and which could be done only under a statutory notice of two months as required by Section 19(2) of the Industrial Disputes Act 1947. Such a notice was undoubtedly given, but that notice was given several months after this reference was made. Therefore, the position in this case is that the award was terminated by Statutory notice required under Section 19(2) of the Act only in March 1964, several months after this reference was made. Therefore, on the date of reference, the award of the National Industrial Tribunal was in force and the Government was perfectly correct and within its powers in making a reference under Section 36A for interpretation of directions contained in the Award which was then in force.

7. Even otherwise, in my opinion, a reference under Section 36A is not barred under any provisions of the Industrial Disputes Act, even after the Award has been terminated, because what a reference under Section 36A seeks to do is to interpret certain direction of an award when doubts and difficulties have arisen with regard to the proper implementation thereof. Difficulties regarding the correct interpretation of an Award may well be dissolved, even after an Award is terminated as long as the disputed directions continue to govern the service conditions of the workmen, as in this case, even after the Award is terminated.

8. Before I proceed further I may state that the scope of an enquiry under Section 36A has been clearly defined by the Honourable Supreme Court in the case *Kirloskar Oil Engines, Ltd., Kirkee, Poona and its Workmen and two others* (1961 II LLJ p. 675). In that case their Lordships held that "the scope of the enquiry under Section 36A is limited to the decision of the difficulties or doubts arising as to the interpretation of any provision in the award. If the words used in any provision of an award are ambiguous or obscure and it is not reasonably possible to interpret them, the difficulty arising from the use of such ambiguous or obscure words may be resolved by moving the appropriate Government to make a reference under Section 36A." Their Lordships further observed that, "it is obvious that any question about the propriety, correctness or validity of any provision of the award would be outside the purview of the enquiry contemplated by the Section. If a party to the Award is aggrieved by any of its provisions on the merits, the only remedy available to it is making an appeal, say for instance under Art. 136 of the Constitution, to this Court. A grievance felt by a party against any provision of the award can be ventilated only in that way and not by adopting the procedure prescribed by Section 36A." Their Lordships further held that the "proceeding contemplated by Section 36A is not a proceeding intended to enable the Tribunal to review or modify its own order." These are the principles I shall bear in mind when interpreting the award on the two issues under reference.

9. Issue No. (i) The first issue is as follows :

"Whether as per para 76 of the award of the National Industrial Tribunal, Bombay, published as S.O. 1465 dated 17th June 1959, the dearness allowance payable to Salesman should be based on the monthly rate of dearness allowance payable to a clerk or its four weekly equivalent?"

The question relates to the dearness allowance payable to the salesman and paragraph 76 of the award is in the following terms :

"As regards dearness allowance, there is no reason why the rate of dearness allowance of the salesman should be half the rate of the dearness allowance of the clerk, even the maximum of the scale of the salesman is 2/3rd of the scale given to grade 'A' clerks. I would, therefore increase the rate of dearness allowance of the salesman to 2/3rds of the rate of dearness allowance of grade 'A' clerks."

By the corrigendum dated 20th July 1959, the Tribunal added the following words after the words grade 'A' clerks at the end of the said paragraph. "On the basis of the existing regional classification of dearness allowance, applicable to the monthly rated staff". In order to understand correctly the directions in para 76 of the award, it is necessary to state that the scales of pay and dearness allowance applicable to salesmen are different from those applicable to the clerical staff and that the learned Tribunal has dealt with the case of the salesmen, including the Relief Salesmen, in paras 72 to 82 of its Award. The Tribunal referring to the system of remuneration for salesmen has observed in para 72 of its Award as follows : "The Company realised at a very early stage of its business that there had to be incentives to stir the salesmen to proper effort, and they have accordingly introduced a system of remuneration which consists of the following : Basic wage, dearness allowance, commission on sales, permission to keep empty cases and an all India incentive of Rs. 10. The wage period of the salesman is four weeks so as to keep pace with certain weekly system of accounts. It has been said that the total emoluments of the salesmen from the start to the end are higher than those of grade 'A' clerks whose scale is Rs. 85 to Rs. 240 with a high rate of dearness allowance, as already stated when I was dealing with the emoluments of clerks. While the dearness allowance of the clerks (at cost of living index in 1958) at the commencement comes to about Rs. 99 the salesmen have been given a scale of dearness allowance which is much lower and which bring them just half that dearness allowance; so that whether it is a relief salesman or a permanent salesman he gets about 2/3rd of the scale of the lowest grade clerk and only half the rate of dearness allowance, which the same clerk gets. The Company says that while it is true that the salesman gets about 2/3rd of the basic wages of the lowest paid clerk and 1/2 the rate of his dearness allowance, the rest is made up of commission which the salesman earns, as also an all-India incentive of Rs. 10 and the empty boxes which the salesman are at liberty to appropriate to themselves and sell as they wish". In paragraph 73 of the award the learned Tribunal observed as follows : "While I have no desire to interfere with the general scheme of salesmen's earnings or to dilute the incentives, at the same time, I feel that something should be done to place the salesmen on a more equitable basis. Their basic is low and so is their dearness allowance with the result that they suffer not only by way of provident fund contributions of the concern but also in the matter of their gratuity; and in fact in all matters in which basic or dearness allowance or both are applied as norms of calculation. There is also no reason why this all-India incentive of Rs. 10 should remain outside the wage structure, as it has taken the shape of a firm advance on wages." In paragraph 74 of the Award, after dealing with the earning of the salesmen under the then existing system

of payment of remuneration to them, the learned Tribunal observed as follows : "I appreciate that in a big concern like this there are bound to be differences, and some may be better placed than others. Such differences are inevitable and the salesman must be prepared for it. But that does not mean that I should not endeavour to place these matters on a more rational basis and narrow unjustifiable differences. In my opinion much of the disparity would be removed if the emoluments consisting of basic, dearness allowance, and commission were appropriately amalgamated for purposes of calculation of provident fund and other benefits. I do not suggest that the whole of the commission should be added to the basic and dearness allowance so as to constitute the four weekly earnings, because it might in certain cases inflate the salesman's emoluments beyond all reasonable bounds. But on a careful assessment of the position I direct that the commission earned by the salesman should be applied in augmentation of his basic and dearness allowance, one half of his commission shall be tacked on to his basic and other half to the dearness allowance, so that the basic and the dearness allowance so calculated shall be regarded as the basic and the dearness allowance for provident fund contributions, gratuity, and retirement benefits and bonus (when applicable) only, provided nevertheless that neither this basic nor this dearness allowance of the salesman shall exceed the basic wage or dearness allowance of a grade 'A' clerk of similar length of service." By paragraph 75, the Tribunal directed that the all-India incentive of Rs. 10 was being paid to the salesmen as a matter of course from April 1956, and the amount has become a regular feature of the pay. He, therefore, directed that this sum of Rs. 10 should be in addition to the basic wage. The learned Tribunal fixed the scale of pay for salesmen to be Rs. 80—170 i.e. 80—4—120—5—170.

In para 77 of his Award the Tribunal further referred to the rate of dearness allowance fixed by him by paragraph 76 of the Award and observed as follows : "Thus by the scheme which I am giving the basic of salesman and Relief salesmen will be raised by Rs. 10 being the so called all-India incentive and the rate of dearness allowance will be 2/3rds of the rate given to grade 'A' clerks instead of half as at present; of the commission earned by the salesman, to which of course he will be entitled to in full as part of his emoluments half shall be added to the basic and half shall be added to the dearness allowance so as to create a basic wage and dearness allowance for the purposes of provident fund contribution, gratuity, bonus (when applicable) and retrenchment relief, provided that neither the basic nor the dearness allowance figure so created will exceed the basic or the dearness allowance of grade 'A' clerk of similar years of service."

10. From these directions of the Award of the National Industrial Tribunal, it is clear that it did not disturb the existing pattern of the emolument which constituted the wages of the salesmen. The method of making payment to them at the end of the four weekly periods i.e. after 28 days of work, was also continued. The rate of dearness allowance for the salesmen was under para 76 of the Award to be 2/3rd of the rate of dearness allowance of grade 'A' clerks. The Union's case is that paragraph 76 of the Award directs that the salesman should be paid for the four weekly periods i.e. 28 days, 2/3rd of the rate of dearness allowance paid to the monthly paid clerical staff. In other words the Union's argument is that under the directions contained in paragraph 76, the salesman would be entitled to payment of dearness allowance, at the end of the four weekly payment periods, to an amount equivalent to the amount of dearness allowance which a clerk would earn at the end of the month, whilst the Company's interpretation is that the salesmen would get not 2/3rd of the amount of dearness allowance paid to the monthly paid clerks but 2/3rd of the amount of dearness allowance paid to the clerks calculated as for 28 days. To take an illustration, it is admitted that under the Award a monthly rated clerk grade 'A' on salary of Rs. 100 would, say in the Delhi region be entitled to dearness allowance of 130 per cent of his basic pay, i.e. dearness allowance of Rs. 130 per month. Shri Mundul, for the Union, has argued that under the directions of the Award the salesman on a salary of Rs. 100 in the Delhi region would be entitled to dearness allowance equivalent to two thirds of Rs. 130 at the end of his four weekly periods, i.e. to Rs. 86.66 nP. The Company on the other hand stated that under the directions of para 76 such a clerk would be entitled to two-thirds of the dearness allowance of Rs. 130, but as worked out for 28 days. At the hearing, the Company's calculation of dearness allowance payable in such a hypothetical case of a salesman on a basic salary of Rs. 100 in the Delhi region, was as follows :

On Rs. 92 at 86 2/3rd%	Rs. 79.73 nP.
On balance of the basic pay of Rs. 8 at 43 1/3%.	Rs. 3.46 nP.
Total	Rs. 83.19 nP.

11. The Union has strenuously objected to this method of computation of the dearness allowance of the salesmen and has urged that this method is not a justified or correct method of the interpretation of the directions of para 76 of the award. Shri Chatterjee for the Company has argued that if dearness allowance were calculated at 86 and 2/3rd per cent on the basic pay of Rs. 100 as payable at the end of the four weekly periods, the total amount paid to the salesmen by way of dearness allowance at the end of the year would be higher than 2/3rds of the quantum of dearness allowance

drawn by the clerks. This is, because, the clerk gets dearness allowance on 12 occasions in the year, once at the end of each one of the twelve months of the year, whilst the salesman is paid his wages and dearness allowance on 13 occasions in the year, because, his period of payment of wages is not 30 days, but four weeks of 7 days each i.e. 28 days. I am not satisfied that this method of calculations is correct for the following reasons :

- (i) As it is admitted that the wages prescribed by the Tribunal for salesmen i.e. Rs. 80—4—120—5—170 is paid to them at the end of the four weekly periods i.e. at the end of 28 days, it would be natural to interpret the Award as granting payment to them of the dearness allowance also for that period.
- (ii) The quantum of dearness allowance, as clearly stated in paragraph 76 of the Award, is to be 2/3rd of the rate of dearness allowance of grade 'A' clerks. I interpret that to mean that what the salesman is to get is 2/3rd of the quantum of dearness allowance, which a clerical grade 'A' gets as his monthly dearness allowance, for the period of four weeks, for which the salesman gets his wages.
- (iii) That there is no warrant or any direction for splitting up the dearness allowance up to Rs. 92 as being at the rate of 86 2/3 per cent and for the balance of Rs. 8 at 43 1/3 per cent.

12. Shri Chatterjee has given an involved explanation as to how the Tribunal came to mention that the existing rate of payment of dearness allowance to the salesman was half of the dearness allowance paid to clerks grade 'A' but I am not at all satisfied with that explanation and his arguments on that point were far from convincing.

13. I, therefore, hold on Issue No. 1 that the correct interpretation with regard to the directions for payment of dearness allowance to salesman as contained in para 76 of the National Industrial Tribunal's Award is that the dearness allowance payable to salesmen should be based on the monthly rated dearness allowance payable to clerks i.e. that the salesman would be entitled to 2/3 of the amount of dearness allowance payable at the end of the month to clerks grade 'A', but for his four weekly periods of payment.

14. The second question under reference is whether the directions given in para 165 of the said Award are applicable only to clerks, stenographers, typists and compounders or to all the employees including subordinate staff. The directions in para 165 of the Award are as follows—

"165. Labour's first point refers to the question of accumulation. The company has a limited scheme of accumulation. If for instance 1959-60 leave is not taken to the fullest extent in the next year, the leave of the next year together with the remaining portion of this year's leave will have to be exhausted in the following year. This accumulation is limited to the clerks (except of factories where accumulation is governed by the Factories Act), stenographers, typists and compounders and the scheme

requires amendment. I, therefore, direct that the company should keep separate leave accounts for these employees and permit the accumulation of the mixed casual/annual leave to the extent of 70 days. Any leave accrued due beyond that and not exhausted during the current year will be lost to the employee concerned."

15. This discussion related to demand No. 10, which was in respect of leave. The first demand under that claim, being claim No. 10, was "annual leave—30 days with an accumulation of 90 days." Now, the Union's contention is that these directions not only cover the categories specifically named in this paragraph of the Award namely clerks, stenographers, typists and compounders, but all employees of all designations. In other words what the Union says is that the amended scheme of accumulation should apply not only to all the employees in the clerical cadre, but also to all the subordinate staff. The management on the other hand lays emphasis on the words 'these employees' in para 165 and its contention is that the directions in para 165 apply to the specific categories of the clerical cadre named in that para viz. clerks (except of factory where accumulation is governed by the Factories Act), stenographers, typists and compounders and to no other categories of employees and it does not cover the subordinate staff.

16. I have heard the submissions of the parties at length and I am clearly of the opinion, from the directions contained in para 165, that the subordinate staff were not included. I, however, cannot accept the other contention of the Company that the term 'these employees' only covers the categories specifically mentioned in the Award namely, clerks stenographers, typists and compounders. Reading through the discussions on claim No. 10, relating to leave, it is clear to me that the Tribunal by para 165 of its Award was only dealing with the question of accumulation of leave of the clerical cadre in the Company and the reference to clerks, stenographers, typists and compounders was illustrative and not exhaustive of the categories of the clerical grade to be covered by the Directions contained in para 165 of the Award. For instance, it has been pointed out that comptists are included in the clerical cadre, but they have not been referred to by designation in para 165 of the Award. As I have stated the discussion in para 165 is with regard to the accumulation of leave to be granted to the clerical cadre, which would include designations like comptists who have, however, not been specially named. I would, therefore, on the points under reference hold that the directions given in para 165 of the said award are not applicable to all the employees including subordinate staff, but that they apply to all the members of the clerical cadre and not only to clerks, stenographers, typists and compounders as contended by the Management.

17. I, therefore, submit my decisions as above to the Government.

18. No order as to costs.

SALIM M. MERCHANT, Presiding Officer."

O. P. TALWAR, Under Secy.

गृह मंत्रालय

नई दिल्ली-11, दिनांक 4 जून 1964

सं० 1/5/64-ए० एन० एल०—राष्ट्रपति जी अन्धमान और निकोबार द्वीपों के संघ राज्य क्षेत्र से सम्बन्धित गृह मंत्री की सलाहकार समिति के वर्तमान गैर-सरकारी सदस्यों, जिनका कार्यकाल 31 मार्च 1964 को समाप्त हो गया था, की जगह निम्नलिखित गैर-सरकारी सदस्यों को सहर्ष मनोनीत करते हैं :—

1. बिशप जॉन रिचार्डसन
2. श्री अतुल चन्द्र हंसदास
3. श्री दुर्गा परशदा
4. श्री के० अरविन्दाक्षन
5. कच्छाल द्वीप की रानी छांगा।

इन सदस्यों का कार्यकाल 31 मार्च 1965 को समाप्त होगा।

ए० डी० पाण्डे, संयुक्त सचिव

पेट्रोलियम और रसायन मंत्रालय

नई दिल्ली, दिनांक 30 अप्रैल 1964

सं० 30(1)/64-टैक्नी—संकल्प संख्या 9-1-58-आयल (प्ला) दिनांक 14 जनवरी, 1960 के पैरा 3 के तर्मीम और इससे सम्बन्धित उत्तरोत्तर संशोधनों को ध्यान में रखते हुए भारत सरकार ने निर्णय किया है कि तेल सलाह-

कार समिति का गठन निम्नप्रकार होगा।

1. श्री हुमायुन् कबीर—पेट्रोलियम और रसायन मंत्री (अध्यक्ष)
2. श्री ओ० वी० अलगेसन—पेट्रोलियम और रसायन मंत्रालय में राज्य मंत्री, नई दिल्ली।
3. श्री के० आर० दामले—सचिव, पेट्रोलियम और रसायन मंत्रालय, नई दिल्ली।
4. श्री एन० एन० कश्यप—सह सचिव, पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) नई दिल्ली।
5. श्री आर० प्रसाद—सह सचिव, पेट्रोलियम और रसायन मंत्रालय (रसायन विभाग), नई दिल्ली।
6. सचिव, वित्त मंत्रालय (अर्थ विभाग), नई दिल्ली।
7. सचिव—उद्योग मंत्रालय, नई दिल्ली।
8. सचिव—प्रतिरक्षा मंत्रालय, नई दिल्ली।
9. सचिव—इस्पात, खान और भारी इंजीनियरी मंत्रालय (खान और धातु विभाग), नई दिल्ली।
10. सचिव—संभरण विभाग, नई दिल्ली।
11. अतिरिक्त सचिव, परिवहन मंत्रालय, नई दिल्ली।
12. सदस्य (परिवहन), रेलवे बोर्ड, नई दिल्ली।
13. सलाहकार (आई० एण्ड एम०), योजना आयोग, नई दिल्ली।
14. अध्यक्ष, तेल और प्राकृतिक गैस आयोग, नई दिल्ली।
15. प्रबन्ध निदेशक, भारतीय शोधनशालाएं लि०, नई दिल्ली।
16. अध्यक्ष और प्रबन्ध निदेशक, इण्डियन आयल कंपनी, बम्बई।

17. सदस्य (यू), केन्द्रीय जल और विद्युत आयोग, (विद्युत स्कंध) नई दिल्ली।
18. एक प्रतिनिधि, भारतीय पेट्रोलियम संस्थान, देहरादून।
19. अध्यक्ष, भारतीय वाणिज्य और उद्योग मंडल-संघ, नई दिल्ली।
20. मुख्य प्रतिनिधि, मैसर्स बर्मा शैल आयल स्टोरेज एण्ड डिस्ट्रीब्यूटिंग कम्पनी आफ इण्डिया लि०, नई दिल्ली।
21. प्रधान प्रबन्धक, एस्सोस्टैण्डर्ड ईस्टर्न इन्क; बम्बई।
22. दी रैजिडेंट वाइस प्रेजिडेंट, कालटेक्स (इण्डिया) लि०, बम्बई।
23. प्रबन्ध निदेशक, आयल इण्डिया लि०, नई दिल्ली।
24. अध्यक्ष, वैस्टर्न इण्डिया आयल डिस्ट्रीब्यूटिंग कम्पनी लि०, बम्बई।
25. प्रधान प्रबन्धक, इण्डो बर्मा पेट्रोलियम कम्पनी, बम्बई।
26. अध्यक्ष, माल इण्डिया पेट्रोल ट्रेडर्स एस्सोसियेशन, कलकत्ता।
27. अध्यक्ष, दी फीडरेशन आफ इण्डियन आटोमोबाइल एस्सोसियेशन, बम्बई।

आर० एस० खन्ना, अवर सचिव

शिक्षा मंत्रालय

केन्द्रीय शिक्षा सलाहकार बोर्ड

नई दिल्ली, दिनांक 20 जून 1964

सं० एफ० 1-17/63-एस०ई० I—लोक सभा के लिये एक अतिरिक्त स्थान नियत किए जाने पर, श्री राधे लाल व्यास, संसद् सदस्य, लोक सभा, को 31 मार्च, 1967 तक समाप्त होने वाले तीन वर्षों के लिए लोक सभा द्वारा केन्द्रीय शिक्षा सलाहकार बोर्ड में उसके प्रतिनिधि के रूप में चुना गया है।

एन० टी० करनानी, सहायक शिक्षा सलाहकार

नई दिल्ली, दिनांक 23 जून 1964

सं० 15-25/64 एस०दो—भूतपूर्व वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्रालय की अधिसूचना संख्या एफ०-15-226/60 एस०दो दिनांक 28 जून, 1961 के सिलसिले में राज्य सभा सदस्य श्री गोपीकृष्ण विजय वर्गीय को पण्डित शाम सुन्दर नारायण तनखा के स्थान पर राष्ट्रीय एटलस और भौगोलिक नामों के लिए सलाहकार मण्डल का सदस्य नियुक्त किया गया है।

एम० एम० जैन, अवर सचिव

परिवहन मंत्रालय

(परिवहन पक्ष)

बन्दरगाह

नई दिल्ली, दिनांक 24 जून, 1964

संकल्प

सं० 2-पी०जी०(82)/63—भारत सरकार को कांडला बन्दरगाह की 1962-63 की प्रशासन रिपोर्ट प्राप्त हो गयी है। रिपोर्ट की महत्वपूर्ण बातों का नीचे पुनर्विलोकन किया गया है :—

(1) वित्तीय परिणाम

(क) बन्दरगाह निधि—इस वर्ष बन्दरगाह की राजस्व आय (पायलटेज लेखे को छोड़कर) 110.70 लाख रुपए थी, जबकि 1961-62 में यह आय 83.09 लाख रुपए थी। आय में बढ़ोत्तरी, मुख्यतः बन्दरगाह पर हुए व्यापार में बढ़ोत्तरी के कारण हुई। 1962-63 के दौरान, बन्दरगाह पर कुल 17.43 लाख टन का व्यापार हुआ, जबकि 1961-62 में 13.87 लाख टन का व्यापार हुआ।

विचाराधीन वर्ष, 63.35 लाख रुपए व्यय (पायलटेज लेखे के प्रभारित व्यय और मूल्यह्रास निधि के अंशदान को छोड़कर) हुआ, जबकि 1961-62 में व्यय 50.23 लाख रुपए था। सामान्य लेखे के अन्तर्गत, आय के कार्यचालन व्ययों (श्रृण-प्रभारों और विशेष व्यय को छोड़कर) का प्रतिशत 57 था। यह प्रतिशत पिछले वर्ष 60 था। हमेशा की तरह मूल्यह्रास निधि को अंशदान दिए गए और इसके लिए 1962-63 के दौरान, 8.36 लाख रुपए की राशि अन्तर्गत की गयी। पूंजी की तरफ से राजस्व की तरफ हस्तान्तरित परिसम्पत्ति की लागत पर लगे व्याज-प्रभारों की आंशिक अदायगी के रूप में भी 15 लाख रुपए की राशि भुगतान की गयी।

(ख) पायलटेज लेखा—1962-63 के दौरान, सकल आय और व्यय क्रमशः 2.14 लाख और 3.13 लाख रुपए थे (पायलटेज लेखे में मूल्यह्रास निधि के लिए 8,000 रुपए के अंशदान को छोड़कर), जिसके परिणामस्वरूप उपर्युक्त वर्ष 0.99 लाख रुपए का घाटा हुआ। 1961-62 में 1.10 लाख का घाटा हुआ था, जबकि उस वर्ष सकल आय और व्यय क्रमशः 1.12 लाख और 2.22 लाख रुपए थे।

(ग) श्रृणः—कांडला बन्दरगाह को परिसम्पत्ति के हस्तान्तरित किए जाने और भूतपूर्व कच्छ सरकार से परिसम्पत्ति के ले लिए जाने के कारण, 1962-63 के वित्तीय वर्ष के अन्त में बन्दरगाह द्वारा भारत सरकार को भुगतान किए जाने वाले बाकी श्रृण की राशि 12.61 करोड़ रुपया थी।

(2) यातायात—

(क) व्यापार—1961-62 और 1962-63 में कांडला बन्दरगाह से होकर गुजरने वाले माल के आंकड़े निम्न तालिका में दिए गए हैं :—

लाख मीट्रिक टनों में

वर्ष	आयात	निर्यात	कुल यातायात
1961-62	11.14	2.73	13.87
1962-63	14.09	3.34	17.43

विचाराधीन वर्ष, आयात में 2.95 लाख मीट्रिक टनों या पिछले वर्ष के आयात के लगभग 21 प्रतिशत की बढ़ोत्तरी हुई। यह बढ़ोत्तरी मुख्यतः खाद्यान्नों, लोहा और इस्पात, पी० ओ० एल० और अन्य विविध वस्तुओं के बढ़े हुए आयात के कारण हुई। 1962-63 के निर्यात में भी, 1961-62 के निर्यात के मुकाबले 0.61 लाख मीट्रिक टनों की बढ़ोत्तरी हुई जो कि मुख्यतः रुई, कच्ची धातु, नमक, चीनी और खनिज-तेलों के बढ़े हुए निर्यात के कारण हुई।

(ख) जहाजरानी—पालपोतों को छोड़कर, 1962-63 में 311 जहाज बन्दरगाह पर आए जिनका कुल भार 25.25 लाख टन था, जबकि 1961-62 में 230 जहाज बन्दरगाह पर आए जिनका कुल भार 17.30 लाख टन था।

15805.00 टन कुल भार, 183.81 मीटर लम्बाई और 9.50 मीटर का अगला डुबाव व 9.60 मीटर का पिछला डुबाव वाला एस०/एस० अलकोर सबसे बड़ा, सबसे लम्बा और सबसे अधिक डुबाव वाला जहाज था जो कि 1962-63 में बन्दरगाह पर आया।

(3) श्रमिक—1962-63 के दौरान, बन्दरगाह पर श्रमिकों की स्थिति सन्तोषजनक बनी रही।

(4) पूंजीगत निर्माण कार्य—1962-63 में, मिट्टी निकालने के काम को छोड़कर, पांचवे घाट का शेष निर्माण कार्य पूरा हो गया और मछली पकड़ने के घाट का निर्माण कार्य चालू था। भूमि और पानी की जांच करने की प्रयोगशाला, और फोटोग्राफी

अनुभाग सम्बन्धी कार्य जारी रहे। भूमि जाँच की विषा में, 327 मवार्टों के निर्माण-स्थल पर पाइल-सम्बाई निर्धारित करने के लिए भूमि में बरसा-छेद किए गए। नियमित जल व्यवस्था के जाँच-नमूनों के अतिरिक्त, उपनगर की जल व्यवस्था के लिए विभिन्न जगहों के भूमिगत स्रोतों के पानी के नमूनों की जाँच की गयी।

(5) कर्मचारियों के लिए सुख-सुविधाएँ—बन्दरगाह-प्रशासन अपने कर्मचारियों को रहने के मकान, सातवीं श्रेणी तक

निशुल्क शिक्षा, क्लब, कैंटीन, सामान्य डाक्टरी उपचार, इत्यादि जैसी विभिन्न सुख-सुविधाएँ देता रहा।

(6) बन्दरगाह-उपनगर, गांधीधाम के विकास कार्य में पर्याप्त प्रगति हुई।

आदेश

आदेश दिया गया कि इस संकल्प की प्रतिलिपि संबद्ध सभी को भेजी जाय और भारतीय राजपत्र में भी प्रकाशित की जाय।

नागेन्द्र सिंह, अवसर सचिव